

Decision No. 18359.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
the County of Sutter for an order
authorizing the construction of a
road and under-pass under the tracks
of The Western Pacific Railroad Com-
pany, a corporation, near Rio Oso,
California.

Application No. 13678.

BY THE COMMISSION:

O R D E R

The County of Sutter filed the above entitled appli-
cation with this Commission on the 7th day of April, 1927, ask-
ing for authority to construct a public highway under the track
of The Western Pacific Railroad Company as hereinafter set forth.
The Western Pacific Railroad Company has signified that it has
no objection to the construction of said undergrade crossing and
it appears to this Commission that the present proceeding is not
one in which a public hearing is necessary; that it is in the
interest of public convenience and necessity that the subway be
constructed; that an agreement has been entered into between the
interested parties relative to the performance of the work and
apportionment of the cost of constructing said subway under the
terms of which the cost of separating the grades will be borne
equally by said parties; and, that this application should be
granted subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that the County of Sutter and The
Western Pacific Railroad Company be and they are hereby authorized
to construct an undergrade crossing of a public highway under the
track of The Western Pacific Railroad Company in the vicinity of
Rio Oso at the point where the east and west center line of Sec-

tion 21, T. 13 N., R. 4 E., M.D.B. & M. crosses the right-of-way of The Western Pacific Railroad Company, the point of intersection of said center line with the center line of the track of The Western Pacific Railroad Company being at Engineer's Station 2139+48 on the Railroad and as shown by the map, Exhibit "A", attached to the application. The above crossing shall be identified as Crossing No. 4-165.5 B. Said undergrade crossing shall be constructed subject to the following conditions, namely:

(1) The cost of constructing and thereafter maintaining said undergrade crossing shall be borne in accordance with an agreement to be entered into between the County of Sutter and The Western Pacific Railroad Company, a certified copy of which shall be filed with this Commission within ninety (90) days from the date hereof. Such agreement shall be subject to the approval of this Commission.

(2) Applicant shall, before commencement of construction, file with this Commission, for its approval, a complete set of detailed plans of the proposed undergrade crossing.

(3) Said undergrade crossing shall be constructed with clearances to conform with the provisions of the Commission's General Order No. 26-C.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said undergrade crossing.

(5) If said undergrade crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such fur-

ther orders relative to the location, construction, operation, maintenance and protection of said undergrade crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of May, 1927.

H. B. Brundage

C. A. Seavey

Leon Whitall

Wm. S. Ricketts

Commissioners.